

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT**

JP MORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

v.

ROBERT KOWALSKI, AKA ROBERT M.
KOWALSKI; UNKNOWN OWNERS AND
NON-RECORD CLAIMANTS; CHICAGO
TITLE LAND TRUST COMPANY s/i/i TO
BRIDGEVIEW BANK GROUP FKA
BRIDGEVIEW BANK AND TRUST COMPANY,
AS TRUSTEE UNDER TRUST AGREEMENT
DATED APRIL 24, 1993 AND KNOWN AS
TRUST NUMBER 1-2228; MARTHA
PADILLA; FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
WASHINGTON FEDERAL BANK FOR
SAVINGS,

Defendants.

Case No. 1:19-CV-05770

1512 W. Polk Street
Chicago, IL 60607

JOINT STATUS REPORT ON DISCOVERY

The parties hereby jointly submit this Status Report on Discovery pursuant to Court Order.
(See Dkt. 133).

A. STATUS OF DISCOVERY TO DATE.

1. Defendant Federal Deposit Insurance Corporation, as Receiver for Washington Federal Bank for Savings ("FDIC-R") and Defendant Martha Padilla ("Padilla") have served written discovery requests on Plaintiff JPMorgan Chase Bank, N.A. ("Chase") and each other. FDIC-R recently served a Second Set of Requests for Production on Chase. Chase's responses to the FDIC-R's Second Set of Requests for Production are due on June 24, 2021. FDIC-R also has served third-party subpoenas for documents, some of which still are outstanding.

2. Consistent with the CARES Act and local regulations on foreclosures and evictions, Chase has refrained from serving discovery requests or otherwise advancing this foreclosure during the global pandemic. Chase intends to serve written discovery requests and any third-party subpoenas for records no later than June 7, 2021.

3. Defendant Padilla may serve additional written discovery requests on Chase and FDIC-R, and will serve written discovery requests on Third-Party Defendant First Midwest Bank ("First Midwest").

B. PROPOSED SCHEDULE FOR COMPLETION OF FACT DISCOVERY.

1. The parties (with the exception of First Midwest) propose completion of fact discovery, including all written discovery and depositions, by September 30, 2021.

2. On May 28, 2020, First Midwest moved to dismiss the Third-Party Complaint. (Dkt. 54). On November 4, 2020, the Court dismissed the Third-Party Complaint with prejudice. (Dkt. 98). Padilla moved for reconsideration of the with-prejudice dismissal, which the Court granted. On March 19, 2021, Padilla filed her First Amended Third-Party Complaint against First Midwest (the "Amended Complaint"). (Dkt. 121). On or before June 17, 2021, First Midwest Bank intends to timely file a motion to dismiss Defendant Padilla's Amended Complaint. As such, it is First Midwest's position that discovery as it relates to Padilla's Amended Complaint should be stayed until the parties to the Amended Complaint are at issue. It is First Midwest's position that if Padilla or any other party needs discovery from First Midwest it could request such third-party discovery akin to a third-party subpoena. However, First Midwest should not be forced to incur the expenses and devote the resources to propound discovery to defend itself in a case that it may not be determined a party therein.

3. Padilla's position with respect to discovery with First Midwest is that discovery should commence, as it will be impossible for fact discovery on the remaining issues in this case to be concluded without participation by First Midwest. Further, Padilla believes that First Midwest is or should be in possession of documents relevant to this matter that pertain to the validity of the loans at issue, and that a postponement of discovery with First Midwest will put Padilla at a significant disadvantage if she is unable to request those documents until the parties are at issue.

C. STATEMENT ON EXPERT OR ESI DISCOVERY.

1. Retention of experts is still being considered by the parties.
2. At this time, ESI discovery is not anticipated in this case.

D. ADDITIONAL PENDING MATTERS OR ISSUES.

1. Chase has filed a Motion for Partial Summary Judgment, and briefing on the motion will be completed by July 6, 2021.
2. Third-Party Defendant First Midwest Bank intends to file a motion to dismiss Defendant Padilla's amended claims against it by June 17, 2021.

SUBMITTED JOINTLY AND BY AGREEMENT OF THE PARTIES:

Dated: May 28, 2021

**PLAINTIFF JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION**

/s/ Shana A. Shifrin

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DEFENDANT MARTHA PADILLA

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